

**REMARKS**

Claims 1-38 are pending. By this Amendment, claims 12, 13, 17, 21, 24, 33, 36 and 38 are amended. Claim 22 is canceled. Claims 1-11 have previously been withdrawn from consideration. Reconsideration of the present application is respectfully requested.

Applicants gratefully acknowledge that the Office Action indicates that claims 13-16, 18, 19, 26, 27, 29-32, 34 and 36 contain allowable subject matter.

An Information Disclosure Statement with Form PTO-1449 was filed in the above-captioned patent application on June 11, 2003. Applicants have not yet received from the Examiner a copy of the Form PTO-1449 initialed to acknowledge the fact that the Examiner has considered the disclosed information. The Examiner is requested to initial and return to the undersigned representative a copy of the Form PTO-1449. For the convenience of the Examiner, a copy of that form is attached.

Applicants appreciate the courtesies shown to Applicants' representatives by Examiner Dolan in the August 23, 2003 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

**I. The Claims Satisfy All Formal Requirements**

The Office Action objects to claim 38 due to informalities. Claim 38 is amended to change "mater" to "material." This amendment corrects a typographical error and does not narrow the claims. Withdrawal of the objection to the claim is respectfully requested.

**II. The Claims Satisfy the Requirements of 35 U.S.C. §112**

The Office Action rejects claims 21 and 22 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Claim 21 is amended to recite "an effectively optical area having a first set of electrodes; a second set of electrodes formed outside the effectively optical area; the second set of electrodes not being connected to any driving circuit elements". See, for example, Figures 3A-D and pages 12-13 of the

specification. Claim 22 has been canceled. Accordingly, withdrawal of the rejection under 35 U.S.C. §112, first paragraph, is respectfully requested.

The Office Action rejects claims 13-16, 33 and 36 under 35 U.S.C. §112, second paragraph, as indefinite. Claim 13 is amended to recite "a set of electrodes; an effectively optical area in which the electrodes are formed; a dummy area disposed around the effectively optical area; an organic EL layer formed above each of the electrodes and above the dummy area; and a bank layer disposed between each electrode of the set of electrodes." Claim 33 is amended to recite "a substrate disposed under the plurality of pixels and dummy pixel." Claim 36 is amended to recite "wherein a plurality of optically active areas are provided, each of which are surrounded by dummy areas."

It is respectfully submitted that claim 13, claims 14-16 which depend from claim 13, and claims 33 and 36 fully comply with 35 U.S.C. §112, second paragraph. Accordingly, withdrawal of the rejection under 35 U.S.C. §112, second paragraph, is respectfully requested.

### **III. The Claims Define Allowable Subject Matter**

The Office Action rejects claim 22 under 35 U.S.C. §102(b) over Japanese Patent Publication 10-012377 to Shimoda et al. (hereinafter "Shimoda"), claims 12, 17, 20, 21, 23, 24, 35, 37 and 38 under 35 U.S.C. §102(b) over U.S. Patent No. 5,903,246 to Dingwall, and claims 25, 28 and 33 under 35 U.S.C. §103(a) over Dingwall in view of U.S. Patent No. 6,580,212 to Friend. These rejections are respectfully traversed.

Applicants hereby cancel claim 22. Accordingly, withdrawal of the rejection under 35 U.S.C. §102(b) is respectfully requested.

With regard to claims 12, 17, and 21 Dingwall does not disclose an organic EL device including "a dummy area disposed around the effectively optical area, and not over the first set of electrodes in which the second set of electrodes is formed; and the second set of

electrodes not being connected to any driving circuit elements," as recited in independent claim 12; or "a dummy area disposed around the effectively optical area, in which the second set of electrodes is formed, the organic EL layer in the dummy area being disposed on the second set of electrodes," as recited in independent claim 17; or "a second set of electrodes formed outside the effectively optical area, the second set of electrodes not being connected to any driving circuit elements; and an organic EL layer formed on each of the first and second set of electrodes," as recited in independent claim 21.

Dingwall discloses a reference pixel  $P_R$  as the last pixel in column 1 of Fig. 2. The reference pixel  $P_R$  is used to establish a proper current, by way of distributed current mirror circuitry, for driving any one of the active O-LED pixels in column 1. Thus, reference pixel  $P_R$  is merely in a lower corner of a series of pixels in a display area.

In addition, Dingwall does not disclose "an EL device" including "a dummy area including a dummy pixel being adjacent to the optically active area, the dummy pixel not being electrically connected to the plurality of pixels," as recited in independent claim 24.

Dingwall discloses that the column select conductor COL 1, which is coupled to a digitally-programmable current source, supplies current to transistor 212 and reference pixel  $P_R$  (col. 4, line 64 - col. 5, line 16). Dingwall teaches that the reference pixel  $P_R$  as the last pixel in column 1 in Fig. 2 (col. 4, lines 53-66). The reference pixel  $P_R$  is used to establish a proper current, by way of distributed current mirror circuitry, for driving any one of the active O-LED pixels in column 1. Thus, reference pixel  $P_R$  is in a lower corner of a series of pixels in a display area.

Furthermore, Friend does not make up for the deficiencies of Dingwall.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. §102 and §103 should be withdrawn because the applied references, either individually or in

combination, do not teach or suggest each feature of independent claims 12, 13, 17, 19, 21 and 24.

As pointed out in MPEP §2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)." Similarly, MPEP §2143.03 instructs that "[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)."

For at least these reasons, it is respectfully submitted that independent claims 12, 13, 17, 19, 21 and 24 are patentable over the applied references. The remainder of the claims that depend from independent claims 12, 13, 17 and 24 are likewise patentable over the applied references for at least the reasons discussed above, as well as for the additional features they recite.

#### **IV. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number set forth below.

Respectfully submitted,



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JAO:JLC/dap

Attachment:  
Form PTO-1449

Date: September 9, 2003

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